

January 1, 2015

# CONSTITUTION

The Government of the Republic, in accordance with  
the constitutional law of June 3, 1958, proposed,

The French people have adopted,

The President of the Republic promulgates the  
constitutional law whose content follows:

## PREAMBLE

The French people solemnly proclaim their attachment to human rights and the principles of national sovereignty as defined by the Declaration of 1789, confirmed and supplemented by the preamble to the Constitution of 1946, as well as to the rights and duties defined in the 2004 Environmental Charter.

By virtue of these principles and that of the free determination of peoples, the Republic offers to the overseas territories which express the desire to adhere to it new institutions based on the common ideal of freedom, equality and fraternity and designed with a view to their democratic evolution.

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*HASARTICLE FIRST.* France is an indivisible, secular Republic, democratic and social. It ensures equality before the law for all citizens without distinction of origin, race or religion. She respects all beliefs. Its organization is decentralized.

The law promotes equal access for women and men to electoral mandates and elective functions, as well as to professional and social responsibilities.

## *First title*

# OF SOVEREIGNTY

*HASARTICLE 2.* The language of the Republic is French.

The national emblem is the tricoloured flag, blue, white, red. The national anthem is "*The Marseillaise* ».

The motto of the Republic is "Liberty, Equality, Fraternity".

Its principle is: government of the people, by the people and for the people.

*HASARTICLE 3.* National sovereignty belongs to the people who exercise it through their representatives and through referendum.

No section of the people nor any individual can take responsibility for its exercise.

Suffrage can be direct or indirect under the conditions provided for by the Constitution. it is always universal, equal and secret.

All French nationals of both sexes, enjoying their civil and political rights, are eligible to vote, under the conditions determined by law.

*HASARTICLE 4.* Political parties and groups contribute to the expression of vote. They train and exercise their activity freely. They must respect the principles of national sovereignty and democracy.

They contribute to the implementation of the principle set out in the second paragraph of Article 1<sup>er</sup> under the conditions determined by law.

The law guarantees the pluralistic expressions of opinions and the equitable participation of political parties and groups in the democratic life of the Nation.

## *Title II*

# THE PRESIDENT OF THE REPUBLIC

*HASARTICLE 5.* The President of the Republic ensures compliance with the Constitution. It ensures, through its arbitration, the regular functioning of public authorities as well as the continuity of the State.

It is the guarantor of national independence, territorial integrity and respect for treaties.

*HASARTICLE 6.* The President of the Republic is elected for five years by vote direct universal.

No one can hold more than two consecutive mandates.

The terms of application of this article are established by an organic law

*HASARTICLE 7.* The President of the Republic is elected by an absolute majority of votes cast. If this is not obtained in the first round of voting, a second round is held on the fourteenth following day. Only the two candidates can present themselves who, where applicable after the withdrawal of more favored candidates, are found to have received the greatest number of votes in the first round.

The ballot is opened upon invitation by the Government.

The election of the new President takes place at least twenty days and at most thirty-five days before the expiration of the powers of the current President.

In the event of a vacancy in the Presidency of the Republic for any reason whatsoever, or of an impediment noted by the Constitutional Council seized by the Government and ruling by an absolute majority of its members, the functions of the President of the Republic, at the The exception of those provided for in Articles 11 and 12 below, are provisionally exercised by the President of the Senate and, if he is in turn prevented from exercising these functions, by the Government.

In the event of a vacancy or when the impediment is declared definitive by the Constitutional Council, the ballot for the election of the new President takes place, except in cases of force majeure noted by the Constitutional Council, at least twenty days and at most thirty-five days later. the opening of the vacancy or the declaration of the definitive nature of the impediment.

If, in the seven days preceding the deadline for submitting nominations, one of the persons who, less than thirty days before this date, publicly announced their decision to be a candidate dies or finds themselves unable to do so, the Constitutional Council may decide to postpone the election.

If, before the first round, one of the candidates dies or is prevented from doing so, the Constitutional Council pronounces the postponement of the election.

In the event of death or incapacity of one of the two most favored candidates in the first round before possible withdrawals, the Constitutional Council declares that all electoral operations must be carried out again; the same applies in the event of death or incapacity of one of the two candidates remaining present for the second round.

In all cases, the Constitutional Council is contacted under the conditions set out in the second paragraph of Article 61 below or under those determined for the presentation of a candidate by the organic law provided for in Article 6 above.

The Constitutional Council may extend the deadlines provided for in the third and fifth paragraphs without the vote being able to take place more than thirty-five days later.

the date of the decision of the Constitutional Council. If the application of the provisions of this paragraph had the effect of postponing the election to a date after the expiration of the powers of the President in office, he remains in office until the proclamation of his successor.

Neither Articles 49 and 50 nor Article 89 of the Constitution may be applied during the vacancy of the Presidency of the Republic or during the period which elapses between the declaration of the definitive nature of the President's incapacity. of the Republic and the election of his successor.

*HASARTICLE 8.* The President of the Republic appoints the Prime Minister. He terminates his functions upon the presentation by him of the resignation of the Government.

On the proposal of the Prime Minister, he appoints the other members of the Government and terminates their functions.

*HASARTICLE 9.* The President of the Republic chairs the council of ministers.

*HASARTICLE 10.* The President of the Republic promulgates laws within fifteen days following transmission to the Government of the law definitively adopted.

He may, before the expiration of this period, ask Parliament for a new deliberation of the law or certain of its articles. This new deliberation cannot be refused.

*HASARTICLE 11.* The President of the Republic, on a proposal from the Government during the duration of the sessions or on a joint proposal from the two Assemblies, published in the Official Journal, may submit to referendum any bill relating to the organization of public powers, to reforms relating to the economic, social or environmental policy of the nation and public services which contribute to it, or tending to authorize the ratification of a treaty which, without being contrary to the Constitution, would have repercussions on the functioning of the institutions.

When the referendum is organized on a proposal from the Government, the latter makes a declaration before each assembly which is followed by a debate.

A referendum on an object mentioned in the first paragraph may be organized at the initiative of one fifth of the members of Parliament, supported by one tenth of the voters registered on the electoral lists. This initiative takes the form of a bill and cannot have as its object the repeal of a legislative provision promulgated less than a year ago.

The conditions of its presentation and those in which the Constitutional Council monitors compliance with the provisions of the preceding paragraph are determined by an organic law.

If the bill has not been examined by the two assemblies within a time limit set by the organic law, the President of the Republic submits it to a referendum.

When the bill is not adopted by the French people, no new referendum proposal on the same subject may be presented before the expiration of a period of two years following the date of the vote.

When the referendum concludes with the adoption of the bill or proposed law, the President of the Republic promulgates the law within fifteen days following the proclamation of the results of the consultation.

*HASARTICLE 12.* The President of the Republic may, after consultation with the Prime Minister and the presidents of the assemblies, pronounce the dissolution of the National Assembly.

General elections take place at least twenty days and forty days at most after the dissolution.

The National Assembly meets automatically on the second Thursday following its election. If this meeting takes place outside the period planned for the ordinary session, a session is automatically opened for a period of fifteen days.

A new dissolution cannot be carried out in the year following these elections.

*HASARTICLE 13.* The President of the Republic signs the orders and decrees deliberated in the Council of Ministers.

He appoints to civil and military posts in the State.

Councilors of State, the Grand Chancellor of the Legion of Honor, ambassadors and extraordinary envoys, master advisers to the Court of Auditors, prefects, representatives of the State in the overseas communities governed by article 74 and in New Caledonia, general officers, rectors of academies, directors of central administrations are appointed by the council of ministers.

An organic law determines the other positions which are filled in the council of ministers as well as the conditions under which the power of appointment of the President of the Republic can be delegated by him to be exercised in his name.

An organic law determines the jobs or functions, other than those mentioned in the third paragraph, for which, because of their importance for the guarantee of rights and freedoms or the economic and social life of the Nation, the power of appointment of the President of the Republic is exercised after public notice from the competent permanent committee of each assembly. The President of the Republic cannot make an appointment when the addition of negative votes in each committee represents at least three-fifths of the votes.

expressed within the two committees. The law determines the competent permanent committees according to the jobs or functions concerned.

*HASARTICLE 14.* The President of the Republic accredits ambassadors and extraordinary envoys to foreign powers; ambassadors and extraordinary foreign envoys are accredited to him.

*HASARTICLE 15.* The President of the Republic is the head of the armies. He chairs the councils and higher committees of national defense.

*HASARTICLE 16.* When the institutions of the Republic, the independence of the nation, the integrity of its territory or the execution of its international commitments are threatened in a serious and immediate manner and the regular functioning of constitutional public powers is interrupted, the President of the Republic takes the measures required by these circumstances, after official consultation of the Prime Minister, the presidents of the assemblies as well as the Constitutional Council.

He informs the nation by a message.

These measures must be inspired by the desire to ensure that constitutional public authorities, as quickly as possible, have the means to accomplish their mission. The Constitutional Council is consulted on their subject.

Parliament meets as of right.

The National Assembly cannot be dissolved during the exercise of exceptional powers.

After thirty days of exercise of exceptional powers, the Constitutional Council may be contacted by the President of the National Assembly, the President of the Senate, sixty deputies or sixty senators, for the purpose of examining whether the conditions set out in the first paragraph remain met. . It decides as quickly as possible through a public notice. It carries out this examination as of right and makes a decision under the same conditions after sixty days of exercising exceptional powers and at any time beyond this duration.

*HASARTICLE 17.* The President of the Republic has the right to pardon individual.

*HASARTICLE 18.* The President of the Republic communicates with both assemblies of Parliament by messages that he reads and which do not give rise to any debate.

He can speak before the Parliament assembled for this purpose in Congress. His declaration may give rise, outside his presence, to a debate which is not subject to a vote.

Outside of session, parliamentary assemblies are convened especially for this purpose.

*HASARTICLE 19.* Acts of the President of the Republic other than those provided for in articles 8 (1<sup>er</sup> paragraph), 11, 12, 16, 18, 54, 56 and 61 are countersigned by the Prime Minister and, where applicable, by the responsible ministers.

### *Title III*

## THE GOVERNMENT

*HASARTICLE 20.* The Government determines and conducts the policy of the nation.

It has the administration and the armed force.

He is responsible to Parliament under the conditions and following the procedures provided for in articles 49 and 50.

*HASARTICLE 21.* The Prime Minister directs the action of the Government. He is responsible for national defense. It ensures the execution of the laws. Subject to the provisions of article 13, he exercises regulatory power and appoints civil and military posts.

He can delegate some of his powers to ministers.

He replaces, if necessary, the President of the Republic in the presidency of the councils and committees provided for in article 15.

He may, exceptionally, replace him for the presidency of a council of ministers by virtue of an express delegation and for a specific agenda.

*HASARTICLE 22.* The acts of the Prime Minister are countersigned, where appropriate, by the ministers responsible for their execution.

*HASARTICLE 23.* The functions of member of the Government are incompatible with the exercise of any parliamentary mandate, any professional representation function of a national nature and any public employment or any professional activity.

An organic law establishes the conditions under which the holders of such mandates, functions or jobs are replaced.

The replacement of members of Parliament takes place in accordance with the provisions of Article 25.

#### *Title IV*

## THE PARLIAMENT

*HASARTICLE 24.* Parliament votes on the law. He controls the action of the Government. He evaluates public policies.

It includes the National Assembly and the Senate.

The deputies to the National Assembly, whose number cannot exceed five hundred and seventy-seven, are elected by direct suffrage.

The Senate, whose number of members cannot exceed three hundred and forty-eight, is elected by indirect suffrage. It ensures the representation of the local authorities of the Republic.

French people established outside France are represented in the National Assembly and the Senate.

*HASARTICLE 25.* An organic law fixes the duration of the powers of each assembly, the number of its members, their compensation, the conditions of eligibility, the regime of ineligibilities and incompatibilities.

It also establishes the conditions under which the persons called upon to ensure, in the event of a vacancy of the seat, the replacement of deputies or senators until the general or partial renewal of the assembly to which they belonged or their temporary replacement in the event of a vacancy are elected. acceptance by them of government functions.

An independent commission, whose law establishes the composition and rules of organization and operation, issues a public opinion on draft texts and proposed laws delimiting constituencies for the election of deputies or modifying the distribution of seats of deputies or senators.

*HASARTICLE 26.* No member of Parliament may be prosecuted, sought, arrested, detained or judged in connection with the opinions or votes expressed by him in the exercise of his functions.

No member of Parliament may be subject, in criminal or correctional matters, to arrest or any other custodial or restrictive measure of liberty without the authorization of the office of the assembly of which he is a member. This



Authorization is not required in the event of a flagrant crime or offense or a final conviction.

The detention, custodial or restrictive measures of liberty or the prosecution of a member of Parliament are suspended for the duration of the session if the assembly of which he is a part so requires.

The assembly concerned is convened as of right for additional sessions to allow, where applicable, the application of the paragraph above.

*HASARTICLE 27.* Any imperative mandate is null.

The right to vote of members of Parliament is personal.

The organic law may exceptionally authorize the delegation of votes. In this case, no one can receive delegation of more than one mandate.

*HASARTICLE 28.* Parliament meets as of right in an ordinary session which begins on the first business day of October and ends on the last business day of June.

The number of sitting days that each assembly may hold during the ordinary session cannot exceed one hundred and twenty. The sitting weeks are set by each assembly.

The Prime Minister, after consulting the president of the assembly concerned, or the majority of the members of each assembly may decide to hold additional sitting days.

The days and times of the sessions are determined by the regulations of each assembly.

*HASARTICLE 29.* Parliament meets in extraordinary session at the request of the Prime Minister or the majority of members making up the National Assembly, on a specific agenda.

When the extraordinary session is held at the request of the members of the National Assembly, the closing decree occurs as soon as Parliament has exhausted the agenda for which it was convened and at the latest twelve days from its meeting .

The Prime Minister alone can request a new session before the end of the month following the closing decree.

*HASARTICLE 30.* Except in cases in which Parliament meets automatically, extraordinary sessions are opened and closed by decree of the President of the Republic.

*HASARTICLE 31.* Members of the Government have access to both assemblies. They are heard when they ask.

They can be assisted by Government commissioners.

*HASARTICLE 32.* The President of the National Assembly is elected for the duration of the legislature. The President of the Senate is elected after each partial renewal.

*HASARTICLE 33.* The sessions of both assemblies are public. The full report of the debates is published in *Official newspaper*.

Each assembly can sit in secret committee at the request of the Prime Minister or one tenth of its members.

### *Title V*

## RELATIONS BETWEEN PARLIAMENT AND THE GOVERNMENT

*HASARTICLE 34.* The law sets the rules concerning:

- civil rights and fundamental guarantees granted to citizens for the exercise of public freedoms; freedom, pluralism and independence of the media; the constraints imposed by national defense on citizens in their person and their property;
- nationality, state and capacity of persons, matrimonial regimes, inheritances and gifts;
- the determination of crimes and offenses as well as the penalties applicable to them; criminal procedure; amnesty; the creation of new orders of jurisdiction and the status of magistrates;
- the basis, rate and methods of recovery of taxes of all kinds; the currency issuance regime.

The law also sets the rules concerning:

- the electoral regime of parliamentary assemblies, local assemblies and bodies representing French people established outside France as well as the conditions for exercising electoral mandates and elective functions of members of deliberative assemblies of local authorities;
- the creation of categories of public establishments;
- the fundamental guarantees granted to civil and military civil servants of the State;

- nationalizations of companies and transfers of ownership of companies from the public sector to the private sector.

The law determines the fundamental principles:

- the general organization of national defense;
- the free administration of local authorities, their skills and their resources;
- Education ;
- preservation of the environment;
- the regime of property, real rights and civil and commercial obligations;
- labor law, trade union rights and social security.

Finance laws determine the resources and expenses of the State under the conditions and subject to the reservations provided for by an organic law.

The social security financing laws determine the general conditions of its financial balance and, taking into account their revenue forecasts, set its expenditure objectives, under the conditions and subject to the reservations provided for by an organic law.

Programming laws determine the objectives of state action.

The multi-year guidelines for public finances are defined by programming laws. They are part of the objective of balancing the accounts of public administrations.

The provisions of this article may be clarified and supplemented by an organic law.

*HASARTICLE 34-1.* The assemblies can vote on resolutions under the conditions set by the organic law.

Proposed resolutions whose adoption or rejection would be likely to call into question its responsibility or which contain injunctions against it are inadmissible and cannot be included on the agenda.

*HASARTICLE 35.* The declaration of war is authorized by Parliament.

The Government informs Parliament of its decision to involve armed forces abroad, no later than three days after the start of the intervention. It specifies the objectives pursued. This information may give rise to a debate which is not followed by any vote.

When the duration of the intervention exceeds four months, the Government submits its extension to Parliament for authorization. He can ask the National Assembly to make the final decision.

If Parliament is not in session at the end of the four-month period, it decides at the opening of the next session.

*HASARTICLE 36.* A state of siege is decreed by the Council of Ministers.

Its extension beyond twelve days can only be authorized by Parliament.

*HASARTICLE 37.* Matters other than those within the domain of law have a regulatory character.

The legislative texts intervened in these matters may be modified by decrees taken after advice of the Council of State. Those of these texts which come into force after the entry into force of this Constitution may only be modified by decree if the Constitutional Council has declared that they have a regulatory character under the preceding paragraph.

*HASARTICLE 37-1.* The law and regulations may include, for an object and a limited duration, provisions of an experimental nature.

*HASARTICLE 38.* The Government may, for the execution of its program, request authorization from Parliament to take by ordinance, for a limited period, measures which are normally within the domain of law.

The orders are taken in the Council of Ministers after advice from the Council of State. They come into force as soon as they are published but become obsolete if the ratification bill is not submitted to Parliament before the date set by the enabling law. They can only be ratified expressly.

At the expiration of the period mentioned in the first paragraph of this article, the orders can only be modified by law in matters which are within the legislative domain.

*HASARTICLE 39.* The initiative for laws belongs concurrently to the Prime Minister and the members of Parliament.

The bills are deliberated in the Council of Ministers after advice from the Council of State and placed on the desk of one of the two assemblies. The draft finance laws and social security financing laws are first submitted to the National Assembly. Without prejudice to the first paragraph of article 44, bills having as their main object the organization of local authorities are submitted first to the Senate.

The presentation of bills submitted to the National Assembly or the Senate meets the conditions set by an organic law.

Bills cannot be included on the agenda if the Conference of Presidents of the first assembly concerned finds that the rules set by the organic law are ignored. In the event of disagreement between the Conference of Presidents and the Government, the president of the assembly concerned or the Prime Minister may refer the matter to the Constitutional Council, which rules within eight days.

Under the conditions provided for by law, the president of an assembly may submit for opinion to the Council of State, before its examination in committee, a bill submitted by one of the members of this assembly, unless the latter opposes it.

*HASARTICLE 40.* The proposals and amendments made by the members of the Parliament are not admissible when their adoption would result in either a reduction in public resources or the creation or aggravation of a public charge.

*HASARTICLE 41.* If it appears during the legislative procedure that a proposal or amendment is not within the scope of the law or is contrary to a delegation granted under article 38, the Government or the president of the assembly seizure may oppose inadmissibility.

In the event of disagreement between the Government and the president of the assembly concerned, the Constitutional Council, at the request of either, rules within eight days.

*HASARTICLE 42.* The discussion of bills and proposed laws relates, in session, to the text adopted by the commission referred to it in application of article 43 or, failing that, to the text submitted to the assembly.

However, the discussion in session of constitutional revision projects, finance bills and social security financing bills relates, in first reading before the first assembly seized, to the text presented by the Government and, for the other readings, on the text transmitted by the other assembly.

The discussion in session, at first reading, of a bill or a proposed law can only take place, before the first assembly seized, at the expiration of a period of six weeks after its submission. It can only intervene, before the second assembly seized, at the expiration of a period of four weeks from its transmission.

The preceding paragraph does not apply if the accelerated procedure has been initiated under the conditions provided for in Article 45. It also does not apply to finance bills, security financing bills social and projects relating to states of crisis.

*HASARTICLE 43.* The bills and proposed laws are sent for examination to one of the standing committees, the number of which is limited to eight in each assembly.

At the request of the Government or the assembly to which it is referred, the bills or proposed laws are sent for examination to a commission specially designated for this purpose.

*HASARTICLE 44.* Members of Parliament and the Government have the right amendment. This right is exercised in session or in committee according to the conditions set by the regulations of the assemblies, within the framework determined by an organic law.

After the opening of the debate, the Government may object to the examination of any amendment which has not previously been submitted to the committee.

If the Government requests it, the assembly concerned decides by a single vote on all or part of the text under discussion, retaining only the amendments proposed or accepted by the Government.

*HASARTICLE 45.* Any bill or proposed law is examined successively in the two assemblies of Parliament with a view to the adoption of an identical text. Without prejudice to the application of Articles 40 and 41, any amendment is admissible at first reading as long as it presents a link, even indirect, with the text tabled or transmitted.

When, following a disagreement between the two assemblies, a bill or a proposed law could not be adopted after two readings by each assembly or, if the Government has decided to initiate the accelerated procedure without the Conferences of presidents are jointly opposed to it, after a single reading by each of them, the Prime Minister or, for a bill, the presidents of the two assemblies acting jointly, have the power to call a meeting of a joint commission committee responsible for proposing a text on the provisions remaining under discussion.

The text drawn up by the joint commission can be submitted by the Government for approval to the two assemblies. No amendment is admissible unless approved by the Government.

If the joint committee does not succeed in adopting a common text or if this text is not adopted under the conditions provided for in the preceding paragraph, the Government may, after a new reading by the National Assembly and by the Senate, ask the National Assembly to make a definitive decision. In this case, the National Assembly may adopt either the text drawn up by the joint committee, or the last text voted on by it, modified if necessary by one or more of the amendments adopted by the Senate.

*HASARTICLE 46.* Laws to which the Constitution confers the character of laws organic are voted on and modified under the following conditions.

The project or proposal cannot, at first reading, be submitted to the deliberation and vote of the assemblies until the expiration of the deadlines set in the third paragraph of Article 42. However, if the accelerated procedure has been initiated in the conditions provided for in article 45, the project or proposal cannot be submitted for deliberation to the first assembly referred to it before the expiration of a period of fifteen days after its submission.

The procedure of article 45 is applicable. However, in the absence of agreement between the two assemblies, the text can only be adopted by the National Assembly at final reading by an absolute majority of its members.

Organic laws relating to the Senate must be voted on in the same terms by both assemblies.

Organic laws can only be promulgated after the Constitutional Council has declared their conformity with the Constitution.

*HASARTICLE 47.* Parliament votes on finance bills under the conditions provided for by an organic law.

If the National Assembly has not decided on first reading within forty days after the submission of a bill, the Government refers the matter to the Senate which must rule within fifteen days. It is then proceeded under the conditions provided for in article 45.

If Parliament has not decided within seventy days, the provisions of the bill may be brought into force by ordinance.

If the finance law fixing the resources and expenses for a financial year has not been submitted in time to be promulgated before the start of this financial year, the Government urgently requests authorization from Parliament to collect taxes and opens by decree the appropriations relating to voted services.

The time limits provided for in this article are suspended when Parliament is not in session.

*HASARTICLE 47-1.* Parliament votes on social security financing bills under the conditions provided for by an organic law.

If the National Assembly has not decided on first reading within twenty days after the submission of a bill, the Government refers the matter to the Senate which must rule within fifteen days. It is then proceeded under the conditions provided for in article 45.

If Parliament has not decided within fifty days, the provisions of the project can be implemented by ordinance.

The time limits provided for in this article are suspended when Parliament is not in session and, for each assembly, during the weeks in which it has decided not to hold a session, in accordance with the second paragraph of article 28.

*HASARTICLE 47-2.* The Court of Auditors assists Parliament in the control of Government action. It assists Parliament and the Government in monitoring the execution of finance laws and the application of social security financing laws as well as in the evaluation of public policies. Through its public reports, it contributes to informing citizens.

The accounts of public administrations are regular and sincere. They give a faithful image of the results of their management, their assets and their financial situation.

*HASARTICLE 48.* Without prejudice to the application of the last three paragraphs of Article 28, the agenda is set by each meeting.

Two sitting weeks out of four are reserved as a priority, and in the order that the Government has set, for the examination of texts and debates for which it requests inclusion on the agenda.

In addition, the examination of finance bills, social security financing bills and, subject to the provisions of the following paragraph, texts transmitted by the other assembly for at least six weeks, projects relating to states of crisis and requests for authorization referred to in Article 35 is, at the request of the Government, included on the agenda as a priority.

One sitting week out of four is reserved by priority and in the order set by each assembly for the control of Government action and the evaluation of public policies.

One sitting day per month is reserved for an agenda set by each assembly at the initiative of the opposition groups of the assembly concerned as well as that of minority groups.

At least one session per week, including during the extraordinary sessions provided for in Article 29, is reserved as a priority for questions from members of Parliament and responses from the Government.

*HASARTICLE 49.* The Prime Minister, after deliberation by the Council of Ministers, engages before the National Assembly the responsibility of the Government on its program or possibly on a declaration of general policy.

The National Assembly calls into question the Government's responsibility by voting on a motion of censure. Such a motion is only admissible if it is signed by at least one tenth of the members of the National Assembly. The vote can only take place forty-eight hours after its submission. Only votes are counted



in favor of the motion of censure which can only be adopted by a majority of the members making up the Assembly. Except in the case provided for in the paragraph below, a Member cannot be a signatory to more than three motions of censure during the same ordinary session and more than one during the same extraordinary session.

The Prime Minister may, after deliberation by the Council of Ministers, hold the Government accountable before the National Assembly for the vote on a finance or social security financing bill. In this case, this project is considered adopted, unless a motion of censure, filed within the following twenty-four hours, is voted on under the conditions provided for in the preceding paragraph. The Prime Minister may, in addition, use this procedure for another project or a bill per session.

The Prime Minister has the power to ask the Senate for approval of a general policy declaration.

*HASARTICLE 50.* When the National Assembly adopts a motion of censure or when she disapproves of the program or a declaration of general policy of the Government, the Prime Minister must submit to the President of the Republic the resignation of the Government.

*HASARTICLE 50-1.* Before one or other of the assemblies, the Government may, on its own initiative or at the request of a parliamentary group within the meaning of article 51-1, make, on a specific subject, a declaration which gives rise to for debate and can, if it decides, be the subject of a vote without incurring liability.

*HASARTICLE 51.* The closure of the ordinary session or extraordinary sessions is automatically delayed to allow, where applicable, the application of article 49. For the same purpose, additional sessions are automatically held.

*HASARTICLE 51-1.* The regulations of each meeting determine the rights of the parliamentary groups formed within it. It recognizes specific rights to opposition groups in the assembly concerned as well as to minority groups.

*HASARTICLE 51-2.* For the exercise of the control and evaluation missions defined in the first paragraph of Article 24, commissions of inquiry may be created within each assembly to collect, under the conditions provided for by law, elements of information.

The law determines their rules of organization and operation. Their conditions of creation are set by the regulations of each assembly.

*Title VI*

## TREATIES AND AGREEMENTS INTERNATIONAL

*HASARTICLE 52.* The President of the Republic negotiates and ratifies treaties.

It is informed of any negotiations aimed at the conclusion of an international agreement not subject to ratification.

*HASARTICLE 53.* Peace treaties, commercial treaties, treaties or agreements relating to the international organization, those which involve the finances of the State, those which modify provisions of a legislative nature, those which relate to the state of persons, those which involve transfer, exchange or addition of territory, cannot be ratified or approved only by virtue of a law.

They only take effect after being ratified or approved.

No transfer, no exchange, no addition of territory is valid without the consent of the populations concerned.

*HASARTICLE 53-1.* The Republic may conclude with European States which are bound by commitments identical to its own in matters of asylum and the protection of human rights and fundamental freedoms, agreements determining their respective competences for the examination of requests for asylum. asylum presented to them.

However, even if the request does not fall within their jurisdiction under these agreements, the authorities of the Republic always have the right to grant asylum to any foreigner persecuted because of his action in favor of freedom or who requests protection of France for another reason.

*HASARTICLE 53-2.* The Republic can recognize the jurisdiction of the Criminal Court international under the conditions provided for by the treaty signed on July 18, 1998.

*HASARTICLE 54.* If the Constitutional Council, seized by the President of the Republic, by the Prime Minister, by the president of one or the other assembly or by sixty deputies or sixty senators, declares that an international commitment includes a clause contrary to the Constitution, the authorization to ratify or approve the international commitment in question can only occur after revision of the Constitution.

*HASARTICLE 55.* Treaties or agreements regularly ratified or approved have, from their publication, an authority superior to that of the laws, subject, for each agreement or treaty, to its application by the other party.

## *Title VII*

# THE CONSTITUTIONNAL COUNCIL

*HASARTICLE 56.* The Constitutional Council comprises nine members, whose mandate lasts nine years and is not renewable. The Constitutional Council is renewed by thirds every three years. Three of the members are appointed by the President of the Republic, three by the President of the National Assembly, three by the President of the Senate. The procedure provided for in the last paragraph of Article 13 is applicable to these appointments. Appointments made by the president of each assembly are subject only to the opinion of the competent standing committee of the assembly concerned.

In addition to the nine members provided for above, the former Presidents of the Republic are automatically part of the Constitutional Council for life.

The president is appointed by the President of the Republic. He has the casting vote in the event of a tie.

*HASARTICLE 57.* The functions of member of the Constitutional Council are incompatible with those of a minister or member of Parliament. Other incompatibilities are fixed by an organic law.

*HASARTICLE 58.* The Constitutional Council ensures the regularity of the election of the President of the Republic.

He examines the complaints and announces the results of the vote.

*HASARTICLE 59.* The Constitutional Council rules, in the event of a dispute, on the regularity of the election of deputies and senators.

*HASARTICLE 60.* The Constitutional Council ensures the regularity of the operations of referendum provided for in articles 11 and 89 and title XV. He proclaims the results.

*HASARTICLE 61.* Organic laws, before their promulgation, the legislative proposals mentioned in article 11 before they are submitted to the referendum, and the

regulations of the parliamentary assemblies, before their implementation, must be submitted to the Constitutional Council which decides on their conformity with the Constitution.

For the same purposes, laws may be referred to the Constitutional Council, before their promulgation, by the President of the Republic, the Prime Minister, the President of the National Assembly, the President of the Senate or sixty deputies or sixty senators.

In the cases provided for in the two preceding paragraphs, the Constitutional Council must rule within one month. However, at the request of the Government, if there is an emergency, this period is reduced to eight days.

In these same cases, referral to the Constitutional Council suspends the promulgation deadline.

*HASARTICLE 61-1.* When, during ongoing proceedings before a jurisdiction, it is argued that a legislative provision infringes the rights and freedoms that the Constitution guarantees, the Constitutional Council may be seized of this question upon referral from the Council of State or the Court of Cassation which rules within a specified period .

An organic law determines the conditions of application of this article.

*HASARTICLE 62.* A provision declared unconstitutional on the basis of Article 61 cannot be promulgated or enforced.

A provision declared unconstitutional on the basis of article 61-1 is repealed from the publication of the decision of the Constitutional Council or from a later date fixed by this decision. The Constitutional Council determines the conditions and limits under which the effects that the provision has produced are likely to be called into question.

The decisions of the Constitutional Council are not subject to any appeal. They are binding on public authorities and all administrative and jurisdictional authorities.

*HASARTICLE 63.* An organic law determines the rules of organization and functioning of the Constitutional Council, the procedure followed before it and in particular the time limits for submitting disputes to it.

## *Title VIII*

# OF JUDICIAL AUTHORITY

*HASARTICLE 64.* The President of the Republic guarantees the independence of the judicial authority.

He is assisted by the Superior Council of the Judiciary. An organic law establishes the status of magistrates.

The magistrates of the seat are irremovable.

*HASARTICLE 65.* The Superior Council of the Judiciary includes training competent with regard to the magistrates of the seat and competent training with regard to the magistrates of the public prosecutor's office.

The competent panel with regard to the magistrates of the seat is chaired by the first president of the Court of Cassation. It also includes five magistrates and a public prosecutor, a state councilor designated by the Council of State, a lawyer as well as six qualified personalities who belong neither to Parliament nor to the judiciary. , nor to the administrative order. The President of the Republic, the President of the National Assembly and the President of the Senate each designate two qualified personalities. The procedure provided for in the last paragraph of Article 13 is applicable to the appointments of qualified individuals. Appointments made by the president of each assembly of Parliament are subject only to the opinion of the competent standing committee of the assembly concerned.

The competent training with regard to public prosecutors is chaired by the public prosecutor at the Court of Cassation. It also includes five prosecutors and a magistrate, as well as the State Councilor, the lawyer and the six qualified personalities mentioned in the second paragraph.

The formation of the Superior Council of the Judiciary competent with regard to the magistrates of the seat makes proposals for the appointments of the magistrates of the seat to the Court of Cassation, for those of first president of the court of appeal and for those of president of the court of high instance. The other magistrates of the seat are appointed on his assent.

The formation of the Superior Council of the Judiciary competent with regard to public prosecutors gives its opinion on appointments which concern public prosecutors.

The formation of the Superior Council of the Judiciary competent with regard to the magistrates of the seat rules as the disciplinary council of the magistrates of the seat. It then includes, in addition to the members referred to in the second paragraph, the magistrate of the seat belonging to the competent body with regard to public prosecutors.

The formation of the Superior Council of the Judiciary competent with regard to public prosecutors gives its opinion on the disciplinary sanctions which concern them. It then includes, in addition to the members referred to in the third paragraph, the public prosecutor belonging to the formation competent with regard to the magistrates of the seat.

The Superior Council of the Judiciary meets in plenary formation to respond to requests for opinions made by the President of the Republic under article 64. It pronounces, in the same formation, on questions relating to the ethics of magistrates as well as on any question relating to the functioning of justice referred to it by the Minister of Justice. The plenary formation includes three of the five magistrates of the seat mentioned in the second paragraph, three of the five magistrates of the public prosecutor's office mentioned in the third paragraph, as well as the State Councilor, the lawyer and the six qualified personalities mentioned in the second paragraph. It is chaired by the first president of the Court of Cassation, who may be replaced by the attorney general at this court.

Except in disciplinary matters, the Minister of Justice may participate in training sessions of the Superior Council of the Judiciary.

The Superior Council of the Judiciary may be contacted by a litigant under the conditions established by an organic law.

The organic law determines the conditions of application of this article.

*HASARTICLE 66.* No one can be arbitrarily detained.

The judicial authority, guardian of individual freedom, ensures respect for this principle under the conditions provided for by law.

*HASARTICLE 66-1.* No one can be sentenced to the death penalty.

## *Title IX*

# THE HIGH COURT

*HASARTICLE 67.* The President of the Republic is not responsible for the actions accomplished in this capacity, subject to the provisions of articles 53-2 and 68.

He cannot, during his mandate and before any French court or administrative authority, be required to testify or be the subject of an action, an act of information, investigation or prosecution. Any limitation or foreclosure period is suspended.

The instances and procedures which are thus obstructed may be resumed or initiated against him at the expiration of a period of one month following the cessation of functions.

*HASARTICLE 68.* The President of the Republic can only be dismissed in the event of failure to fulfill his duties manifestly incompatible with the exercise of his mandate. Dismissal is pronounced by Parliament constituted as the High Court.

The proposal for a meeting of the High Court adopted by one of the assemblies of Parliament is immediately transmitted to the other which decides within fifteen days.

The High Court is presided over by the President of the National Assembly. It rules within one month, by secret ballot, on the dismissal. His decision is effective immediately.

Decisions taken pursuant to this article are taken by a two-thirds majority of the members making up the assembly concerned or the High Court. Any delegation of vote is prohibited. Only votes in favor of the proposal for a meeting of the High Court or for dismissal are recorded.

An organic law establishes the conditions of application of this article.

### *Title*

## THE CRIMINAL RESPONSIBILITY OF MEMBERS OF THE GOVERNMENT

*HASARTICLE 68-1.* Members of the Government are criminally responsible for acts carried out in the exercise of their functions and classified as crimes or misdemeanors at the time they were committed.

They are judged by the Court of Justice of the Republic.

The Court of Justice of the Republic is bound by the definition of crimes and misdemeanors as well as by the determination of penalties as they result from the law.

*HASARTICLE 68-2.* The Court of Justice of the Republic includes fifteen judges: twelve parliamentarians elected, from among themselves and in equal numbers, by the National Assembly and by the Senate after each general or partial renewal of these assemblies and three magistrates sitting at the Court of Cassation, one of whom presides over the Court of Justice of the Republic.

Any person who claims to be injured by a crime or misdemeanor committed by a member of the Government in the exercise of his functions may file a complaint with a petitions commission.

This commission orders either the dismissal of the procedure or its transmission to the Attorney General at the Court of Cassation for referral to the Court of Justice of the Republic.

The public prosecutor at the Court of Cassation may also refer the matter automatically to the Court of Justice of the Republic upon the assent of the Requests Commission.

An organic law determines the conditions of application of this article.

*HASARTICLE 68-3.* The provisions of this title are applicable to acts committed before its entry into force.

### *Title XI*

## ECONOMIC, SOCIAL AND ENVIRONMENTAL

*HASARTICLE 69.* The Economic, Social and Environmental Council, referred to by the Government, gives its opinion on draft laws, ordinances or decrees as well as on proposed laws submitted to it.

A member of the Economic, Social and Environmental Council may be designated by it to present to the parliamentary assemblies the Council's opinion on the projects or proposals submitted to it.

The Economic, Social and Environmental Council may be contacted by petition under the conditions established by an organic law. After examining the petition, he informs the Government and Parliament of the action he proposes to take.

*HASARTICLE 70.* The Economic, Social and Environmental Council can be consulted by the Government and Parliament on any problem of an economic, social or environmental nature. The Government can also consult it on the draft programming laws defining the multi-year guidelines for public finances. Any planning plan or bill of an economic, social or environmental nature is submitted to it for its opinion.

*HASARTICLE 71.* The composition of the Economic, Social and Environmental Council, the number of members of which cannot exceed two hundred and thirty-three, and its operating rules are established by an organic law.



## *Title XI BIS*

# THE DEFENDER OF RIGHTS

*HASARTICLE 71-1.* The Defender of Rights ensures respect for rights and freedoms by State administrations, local authorities, public establishments, as well as by any organization entrusted with a public service mission, or with regard to which the organic law attributes skills to him.

It may be contacted, under the conditions provided for by the organic law, by any person considering themselves harmed by the operation of a public service or an organization referred to in the first paragraph. He can take action *ex officio*.

The organic law defines the responsibilities and methods of intervention of the Defender of Rights. It determines the conditions under which he can be assisted by a college for the exercise of certain of his powers.

The Defender of Rights is appointed by the President of the Republic for a non-renewable six-year term, after application of the procedure provided for in the last paragraph of Article 13. His functions are incompatible with those of member of the Government and member of the Parliament. Other incompatibilities are fixed by organic law.

The Defender of Rights reports on his activity to the President of the Republic and to Parliament.

## *Title XII*

# TERRITORIAL AUTHORITIES

*HASARTICLE 72.* The territorial communities of the Republic are the municipalities, departments, regions, communities with special status and overseas communities governed by article 74. Any other territorial community is created by law, where applicable in location of one or more communities mentioned in this paragraph.

Local authorities are responsible for making decisions for all the skills that can best be implemented at their level.

Under the conditions provided for by law, these communities administer themselves freely by elected councils and have regulatory power for the exercise of their powers.

Under the conditions provided for by organic law, and except when the essential conditions for the exercise of a public freedom or a constitutionally guaranteed right are in question, local authorities or their groups

may, where, depending on the case, the law or regulation so provides, derogate, on an experimental basis and for a limited purpose and duration, from the legislative or regulatory provisions which govern the exercise of their powers.

No local authority can exercise supervision over another. However, when the exercise of a competence requires the assistance of several local authorities, the law may authorize one of them or one of their groups to organize the modalities of their joint action.

In the territorial communities of the Republic, the representative of the State, representative of each member of the Government, is responsible for national interests, administrative control and respect for the laws.

*HASARTICLE 72-1.* The law establishes the conditions under which the voters of each local authority may, by exercising the right of petition, request the inclusion on the agenda of the deliberative assembly of this local authority of a question falling within its competence. .

Under the conditions provided for by the organic law, draft deliberations or acts falling within the competence of a local authority may, at its initiative, be submitted, by means of a referendum, to the decision of the voters of this community.

When it is envisaged to create a local authority with a particular status or to modify its organization, it may be decided by law to consult the voters registered in the interested communities. The modification of the boundaries of local authorities may also give rise to consultation of voters under the conditions provided for by law.

*HASARTICLE 72-2.* Local authorities benefit from resources from which they may dispose freely under the conditions established by law.

They can receive all or part of the proceeds of taxes of all kinds. The law may authorize them to set the base and the rate within the limits it determines.

Tax revenues and other own resources of local authorities represent, for each category of authorities, a determining part of their total resources. The organic law sets the conditions under which this rule is implemented.

Any transfer of powers between the State and local authorities is accompanied by the allocation of resources equivalent to those devoted to their exercise. Any creation or extension of powers resulting in an increase in the expenditure of local authorities is accompanied by resources determined by law.

The law provides for equalization mechanisms intended to promote equality between local authorities.

*HASARTICLE 72-3.* The Republic recognizes, within the French people, the overseas populations, in a common ideal of freedom, equality and fraternity.

Guadeloupe, Guyana, Martinique, Réunion, Mayotte, Saint-Barthélemy, Saint-Martin, Saint-Pierre-et-Miquelon, the Wallis and Futuna Islands and French Polynesia are governed by article 73 for the departments and the overseas regions, and for the local authorities created pursuant to the last paragraph of Article 73, and by Article 74 for the other authorities.

The status of New Caledonia is governed by Title XIII.

The law determines the legislative regime and the particular organization of the French Southern and Antarctic Lands and Clipperton.

*HASARTICLE 72-4.* No change, for all or part of one of the communities mentioned in the second paragraph of article 72-3, from one to the other of the regimes provided for in articles 73 and 74, cannot intervene without the consent of the voters of the community or part of the community concerned. been previously collected under the conditions provided for in the following paragraph. This change of regime is decided by an organic law.

The President of the Republic, on a proposal from the Government during the duration of the sessions or on a joint proposal from the two assemblies, published in *Official newspaper*, may decide to consult the voters of a territorial authority located overseas on a question relating to its organization, its powers or its legislative regime. When the consultation concerns a change provided for in the preceding paragraph and is organized on a proposal from the Government, the latter makes, before each assembly, a declaration which is followed by a debate.

*HASARTICLE 73.* In the overseas departments and regions, the laws and regulations are automatically applicable. They may be subject to adaptations due to the particular characteristics and constraints of these communities.

These adaptations can be decided by these communities in the matters in which their powers are exercised and if they have been authorized to do so, as the case may be, by law or by regulation.

By way of derogation from the first paragraph and to take into account their specificities, the communities governed by this article may be empowered, as the case may be, by law or by regulation, to set themselves the rules applicable in their territory, in a limited number of matters that may fall within the scope of law or regulation.

These rules cannot relate to nationality, civil rights, guarantees of public freedoms, the state and capacity of people, the organization of justice, criminal law, criminal procedure, foreign policy, defense, public security and order, currency, credit and exchange, as well as electoral law. This list may be clarified and supplemented by an organic law.

The provision provided for in the two preceding paragraphs is not applicable to the department and region of Reunion.

The authorizations provided for in the second and third paragraphs are decided, at the request of the community concerned, under the conditions and subject to the reservations provided for by an organic law. They cannot intervene when the essential conditions for exercising a public freedom or a constitutionally guaranteed right are in question.

The creation by law of a community replacing an overseas department and region or the institution of a single deliberative assembly for these two communities cannot take place without having been collected, according to the forms provided for. in the second paragraph of article 72-4, the consent of voters registered in the jurisdiction of these communities.

*HASARTICLE 74.* The overseas communities governed by this article have a status which takes into account the specific interests of each of them within the Republic.

This status is defined by an organic law, adopted after advice of the deliberative assembly, which establishes:

- the conditions under which the laws and regulations are applicable;
- the skills of this community; subject to those already exercised by it, the transfer of State powers cannot relate to the matters listed in the fourth paragraph of Article 73, specified and supplemented, where applicable, by the organic law;
- the rules of organization and operation of the community's institutions and the electoral regime of its deliberative assembly;
- the conditions under which its institutions are consulted on draft and proposed laws and draft ordinances or decrees containing specific provisions for the community, as well as on the ratification or approval of international commitments concluded in these matters falling within its competence.

The organic law can also determine, for those of these communities which are endowed with autonomy, the conditions in which:

- the Council of State exercises specific judicial control over certain categories of acts of the deliberative assembly intervening under the powers it exercises in the field of law;

- the deliberative assembly may modify a law promulgated after the entry into force of the statute of the community, when the Constitutional Council, contacted in particular by the authorities of the community, noted that the law had intervened in the area of competence of this community;
- measures justified by local needs can be taken by the community in favor of its population, in terms of access to employment, the right of establishment for the exercise of a professional activity or protection of land assets ;
- the community can participate, under the control of the State, in the exercise of the powers it retains, while respecting the guarantees granted throughout the national territory for the exercise of public freedoms.

The other modalities of the particular organization of the communities covered by this article are defined and modified by law after consultation of their deliberative assembly.

*HASARTICLE 74-1.* In the overseas communities referred to in Article 74 and in New Caledonia, the Government may, by ordinance, in matters which remain within the competence of the State, extend, with the necessary adaptations, the provisions of a legislative nature in force in mainland France or adapt the provisions of a legislative nature in force in the particular organization of the community concerned, provided that the law has not expressly excluded, for the provisions in question, the use of this procedure.

The orders are taken in the Council of Ministers after consulting the deliberative assemblies concerned and the Council of State. They come into force as soon as they are published. They become obsolete in the absence of ratification by Parliament within the period of eighteen months following this publication.

*HASARTICLE 75.* Citizens of the Republic who do not have legal civil status common, the only one referred to in Article 34, retain their personal status as long as they have not renounced it.

*HASARTICLE 75-1.* Regional languages belong to the heritage of France.

### *Title XIII*

## DIS RELATIVE TRANSITIONAL PROVISIONS TO NEW CALEDONIA

*HASARTICLE 76.* The populations of New Caledonia are called to pronounce before December 31, 1998 on the provisions of the agreement signed in Nouméa on May 5, 1998 and published on May 27, 1998 in *Official newspaper* of the French Republic.

Persons meeting the conditions set out in Article 2 of Law No. 88-1028 of November 9, 1988 are eligible to participate in the ballot.

The measures necessary for the organization of the election are taken by decree in the Council of State deliberated in the Council of Ministers.

*HASARTICLE 77.* After approval of the agreement during the consultation scheduled for Article 76, the organic law, taken after advice of the deliberative assembly of New Caledonia, determines, to ensure the evolution of New Caledonia in compliance with the guidelines defined by this agreement and according to the modalities necessary to its implementation:

- the powers of the State which will be transferred, definitively, to the institutions of New Caledonia, the timing and terms of these transfers, as well as the distribution of the costs resulting from them;
- the rules of organization and operation of the institutions of New Caledonia and in particular the conditions under which certain categories of acts of the deliberative assembly of New Caledonia may be submitted before publication to the control of the Constitutional Council;
- the rules relating to citizenship, the electoral regime, employment and customary civil status;
- the conditions and deadlines within which the interested populations of New Caledonia will be required to decide on the accession to full sovereignty.

The other measures necessary for the implementation of the agreement mentioned in article 76 are defined by law.

For the definition of the electoral body called to elect the members of the deliberative assemblies of New Caledonia and the provinces, the table to which the agreement mentioned in article 76 and articles 188 and 189 of organic law n° 99 refer - 209 of March 19, 1999 relating to New Caledonia is the table drawn up on the occasion of the ballot provided for in said article 76 and including the persons not admitted to participate.

*Title XIV*

## OF FRANCOPHONIE AND AGREEMENTS OF ASSOCIATION

*HASARTICLE 87.* The Republic participates in the development of solidarity and cooperation between States and peoples sharing French.

*HASARTICLE 88.* The Republic can conclude agreements with States that wish to associate with it to develop their civilizations.

*Title XV*

## *OF THE EUROPEAN UNION*

*HASARTICLE 88-1.* The Republic participates in the European Union made up of States which have freely chosen to jointly exercise certain of their powers under the Treaty on European Union and the Treaty on the Functioning of the European Union, as they result from the treaty signed in Lisbon on December 13, 2007.

*HASARTICLE 88-2.* The law establishes the rules relating to the European arrest warrant in application of acts taken by the institutions of the European Union.

*HASARTICLE 88-3.* Subject to reciprocity and according to the terms provided for by the Treaty on European Union signed on February 7, 1992, the right to vote and stand for election in municipal elections can only be granted to citizens of the Union residing in France. These citizens cannot exercise the functions of mayor or deputy nor participate in the designation of senatorial voters and the election of senators. An organic law passed in the same terms by the two assemblies determines the conditions of application of this article.

*Article 88-4.* The Government submits to the National Assembly and the Senate, upon their transmission to the Council of the European Union, draft European legislative acts and other draft or proposed acts of the European Union.

According to the terms set out in the regulations of each assembly, European resolutions may be adopted, if necessary outside the sessions, on the

projects or proposals mentioned in the first paragraph, as well as on any document emanating from an institution of the European Union.

Within each parliamentary assembly, a committee responsible for European affairs is established.

*HAS*ARTICLE 88-5. Any bill authorizing the ratification of a treaty relating to the accession of a State to the European Union is submitted to a referendum by the President of the Republic.

However, by voting on a motion adopted in identical terms by each assembly by a three-fifths majority, Parliament may authorize the adoption of the bill according to the procedure provided for in the third paragraph of article 89.

*[this article is not applicable to accessions following an intergovernmental conference the convening of which was decided by the European Council before 1 July 2004]*

*Article*88-6. The National Assembly or the Senate may issue a reasoned opinion on the conformity of a draft European legislative act with the principle of subsidiarity. The opinion is addressed by the president of the assembly concerned to the presidents of the European Parliament, of the Council and of the European Commission. The Government is informed.

Each assembly can lodge an appeal with the Court of Justice of the European Union against a European legislative act for violation of the principle of subsidiarity. This appeal is transmitted to the Court of Justice of the European Union by the Government.

To this end, resolutions may be adopted, if necessary outside of sessions, according to the modalities of initiative and discussion established by the regulations of each assembly. At the request of sixty deputies or sixty senators, the appeal is legal.

*Article*88-7. By the vote of a motion adopted in identical terms by the National Assembly and the Senate, Parliament may oppose a modification of the rules for adopting acts of the European Union in the cases provided for, under the simplified revision of the treaties or civil judicial cooperation, by the Treaty on European Union and the Treaty on the Functioning of the European Union, as they result from the Treaty signed in Lisbon on 13 December 2007.



## *Title XVI*

# OF THE REVISION

*HASARTICLE* 89. The initiative for revising the Constitution belongs concurrently with the President of the Republic on the proposal of the Prime Minister and with the members of Parliament.

The draft or proposed revision must be examined within the time limits set out in the third paragraph of Article 42 and voted on by the two assemblies in identical terms. The revision is final after having been approved by referendum.

However, the draft revision is not presented to the referendum when the President of the Republic decides to submit it to Parliament convened in Congress; in this case, the draft revision is only approved if it meets a three-fifths majority of the votes cast. The office of Congress is that of the National Assembly.

No review procedure may be initiated or continued when the integrity of the territory is compromised.

The republican form of Government cannot be subject to revision.

# ENVIRONMENTAL CHARTER OF 2004

The French people,

Considering:

That resources and natural balances have conditioned the emergence of humanity;

That the future and the very existence of humanity are inseparable from its natural environment;

That the environment is the common heritage of human beings;

That man exercises an increasing influence on the conditions of life and on his own evolution;

That biological diversity, personal development and the progress of human societies are affected by certain modes of consumption or production and by the excessive exploitation of natural resources;

That the preservation of the environment must be sought in the same way as the other fundamental interests of the Nation;

That in order to ensure sustainable development, choices intended to meet the needs of the present must not compromise the ability of future generations and other peoples to satisfy their own needs,

Proclaims:

*HASARTICLE 1<sup>er</sup>.* Everyone has the right to live in a balanced environment and respectful of health.

*HASARTICLE 2.* Everyone has a duty to take part in the preservation and improving the environment.

*HASARTICLE 3.* Every person must, under the conditions defined by law, prevent damage that they are likely to cause to the environment or, failing that, limit the consequences.

*HASARTICLE 4.* Everyone must contribute to repairing the damage they cause to the environment, under the conditions defined by law.

*HASARTICLE 5.* When the occurrence of damage, although uncertain in the state of scientific knowledge, could seriously and irreversibly affect the environment, public authorities ensure, by applying the principle of

precaution and in their areas of responsibility, the implementation of risk assessment procedures and the adoption of provisional and proportionate measures in order to prevent the occurrence of damage.

*HASARTICLE 6.* Public policies must promote development sustainable. To this end, they reconcile the protection and development of the environment, economic development and social progress.

*HASARTICLE 7.* Everyone has the right, under the conditions and limits defined by law, to access information relating to the environment held by public authorities and to participate in the development of public decisions having an impact on the environment.

*HASARTICLE 8.* Environmental education and training must contribute to the exercise of the rights and duties defined by this Charter.

*HASARTICLE 9.* Research and innovation must contribute to the preservation and enhancement of the environment.

*HASARTICLE 10.* This Charter inspires France's European and international action.

## PREAMBLE OF THE CONSTITUTION OF OCTOBER 27, 1946

1. Following the victory won by free peoples over regimes which attempted to enslave and degrade the human person, the French people once again proclaim that every human being, without distinction of race, religion or belief, has inalienable and sacred rights. It solemnly reaffirms the rights and freedoms of man and citizen enshrined in the Declaration of Rights of 1789 and the fundamental principles recognized by the laws of the Republic.
2. It further proclaims, as particularly necessary in our time, the following political, economic and social principles:
3. The law guarantees women, in all areas, rights equal to those of men.
4. Any man persecuted because of his action in favor of freedom has the right to asylum in the territories of the Republic.
5. Everyone has the duty to work and the right to obtain employment. No one can be harmed, in their work or employment, because of their origins, their opinions or their beliefs.
6. Every man can defend his rights and interests through trade union action and join the union of his choice.
7. The right to strike is exercised within the framework of the laws which regulate it.
8. All workers participate, through their delegates, in the collective determination of working conditions as well as in the management of companies.
9. Any property, any enterprise, the operation of which has or acquires the characteristics of a national public service or a de facto monopoly, must become the property of the community.
10. The nation provides the individual and the family with the conditions necessary for their development.
11. It guarantees everyone, particularly children, mothers and elderly workers, health protection, material security, rest and leisure. Any human being who, because of his age, his physical or mental state, or his economic situation, finds himself unable to work has the right to obtain from the community suitable means of existence.
12. The Nation proclaims the solidarity and equality of all French people in the face of the burdens resulting from national calamities.

13. The Nation guarantees equal access for children and adults to education, professional training and culture. The organization of free and secular public education at all levels is a duty of the State.
14. The French Republic, faithful to its traditions, complies with the rules of international public law. It will not undertake any war with a view to conquest and will never use its forces against the freedom of any people.
15. Subject to reciprocity, France consents to the limitations of sovereignty necessary for the organization and defense of peace.
16. France forms with the overseas peoples a Union based on equality of rights and duties, without distinction of race or religion.
17. The French Union is made up of nations and peoples who pool or coordinate their resources and efforts to develop their respective civilizations, increase their well-being and ensure their security.
18. Faithful to its traditional mission, France intends to lead the peoples for whom it has taken responsibility to the freedom to administer themselves and to democratically manage their own affairs; ruling out any system of colonization based on arbitrariness, it guarantees to all equal access to public functions and the individual or collective exercise of the rights and freedoms proclaimed or confirmed above.

# STATEMENT HUMAN AND CITIZEN RIGHTS OF AUGUST 26, 1789

## PREAMBLE

The representatives of the French people, constituted in the National Assembly, considering that ignorance, forgetting or contempt for human rights are the only causes of public misfortunes and government corruption, have resolved to expose, in a solemn declaration, the natural, inalienable and sacred rights of man, so that this declaration, constantly present to all Members of the social body, constantly reminds them of their rights and their duties; so that the acts of the legislative power, and those of the executive power, which can be compared at any time with the goal of any political institution, are more respected; so that the complaints of citizens, now based on simple and incontestable principles, always focus on the maintenance of the Constitution and the happiness of all.

Accordingly, the National Assembly recognizes and declares, in the presence and under the auspices of the Supreme Being, the following rights of man and citizen.

## ***HAS*ARTICLE 1**

Men are born and remain free and equal in rights. Social distinctions can only be based on common utility.

## **II**

The aim of any political association is the conservation of the natural and inalienable rights of man. These rights are liberty, property, security, and resistance to oppression.

## **III**

The principle of all sovereignty resides essentially in the nation. No body, no individual can exercise authority that does not emanate expressly from it.

## **IV**

Freedom consists of being able to do everything that does not harm others: thus, the exercise of the natural rights of each man has no limits other than those which ensure other members of society the enjoyment of these same rights. These limits can only be determined by law.

## **V**

The law only has the right to defend actions that are harmful to society. Anything that is not forbidden by the law cannot be prevented, and no one can be forced to do what it does not command.

## **VI**

The law is the expression of the general will. All citizens have the right to contribute personally, or through their representatives, to its formation. It must be the same for everyone, whether it protects or punishes. All citizens being equal in his eyes are equally eligible for all dignities, places and public employment, according to their capacity, and without other distinction than that of their virtues and their talents.

## **VII**

No man may be accused, arrested or detained except in cases determined by law, and according to the forms it has prescribed. Those who solicit, send, execute or have arbitrary orders executed must be punished; but every citizen called or seized by virtue of the law must obey immediately: he becomes guilty by resistance.

## **VIII**

The law must only establish penalties that are strictly and obviously necessary, and no one can be punished except by virtue of a law established and promulgated prior to the offense, and legally applied.

## **IX**

Every man being presumed innocent until he has been declared guilty, if it is deemed essential to arrest him, any rigor which would not be necessary to secure his person must be severely repressed by the law.

## **X**

No one should be disturbed for their opinions, even religious ones, provided that their manifestation does not disturb the public order established by law.

## **XI**

The free communication of thoughts and opinions is one of the most precious rights of man: every citizen can therefore speak, write, print freely, except to respond to the abuse of this freedom in the cases determined by the Law.

## **XII**

The guarantee of human and citizen rights requires a public force: this force is therefore established for the benefit of all, and not for the particular utility of those to whom it is entrusted.

## **XIII**

For the maintenance of the public force, and for administrative expenses, a common contribution is essential: it must be equally distributed among all citizens, by reason of their faculties.

## **XIV**

All citizens have the right to observe, for themselves or through their representatives, the necessity of the public contribution, to consent to it freely, to monitor its use, and to determine the amount, the basis, recovery and duration.

## **XV**

Society has the right to demand an account from any public agent of its administration.

## **XVI**

Any Society in which the guarantee of rights is not assured, nor the separation of powers determined, has no Constitution.

## **XVII**

Property being an inviolable and sacred right, no one can be deprived of it, except when legally established public necessity obviously requires it, and under the condition of just and prior compensation.